

ORIGINAL

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
RAIL SAFETY SECTION

County of Jefferson,
Petitioner,

Vs.

Union Pacific Railroad and the State of Illinois Department of
Transportation.
Respondents

In the matter of the Petition for an Order directing the construction of a grade
separation structure, other associated drainage structures, approach roadways,
and the removal of an existing at grade crossing and adjacent timber highway
bridge structure where TR 227 (Green Road) now crosses the tracks of the Union
Pacific Railroad in the central part of Jefferson County near the City of Mt. Vernon,
and apportioning the project cost among the parties.

T00-0013

T00-0113

THIRD SUPPLEMENTAL PETITION

Petitioner, the County of Jefferson ("County"), acting on behalf of Mt. Vernon Township,
Respectfully states:

1. The County of Jefferson, the Petitioner, is a County in the State of Illinois, with its offices
At 750 Old Fairfield Road, Mt. Vernon, IL 62864.
2. The Union Pacific Railroad Company ("UPRR"), a Respondent, is a company with offices
at 100 North Broadway, Suite 1500, St. Louis, MO 63102.
3. The Illinois Department of Transportation ("Department"), also a Respondent, is a
governmental agency with offices at 2300 South Dirksen Parkway, Springfield, IL 62764.
4. On June 18, 2003, the Illinois Commerce Commission ("Commission") entered its Order
In this matter that required, among other things, that the County, an agent acting on behalf
Of Mt. Vernon Township, construct a highway overpass structure to carry Green Road
("TR 227") over the track of the UPRR and Casey Fork, a creek that runs parallel to and
immediately east of the UPRR track.

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5. On October 8, 2003, the Commission entered its Supplemental Order in this matter that Required , among other things, the construction of an access roadway and an at-grade Crossing north of the existing Green Road at-grade crossing for use by construction company trucks to enable the trucks to cross over the UPRR track. After the bridge is constructed, the construction at-grade crossing is to remain for use by a farmer for access to his land. It became apparent that the access roadway and construction/farm crossing were no longer necessary. The Supplemental Order required the construction plans as contained in the Commission's original Order referring to the access road and new at-grade crossing are amended per the County's Revised Exhibits Nos. 5 and 6, attached thereto. The cost savings from eliminating the line item pertaining to the access road and at-grade crossing is \$20,000. An additional \$30,000 can be saved from lower flagman costs for a total of \$50,000. The Supplemental Order requires that the \$50,000 be applied to the construction line item of the cost division table. There is no net difference in the total cost of the project, additional Grade Crossing Protection Fund participation, or a change in the amount allocated to each party in the original Order.
6. On August 3, 2005, the Commission entered its Second Supplemental Order that Approved revised plans allowing for a second track adjacent to and west of the existing single track under the structure. The UPRR'S original plans and estimate did not contain provisions for the second track. Because of this revision, it became necessary to revise the design and plans for the structure, including such items as plan geometry, span lengths, bridge skew, foundations, hydraulic analysis, and other miscellaneous items; and highway approaches. The costs associated with the revision for the second track was required to be paid by the UPRR. The remaining costs were divided between the parties. The time for the completion of the project was also extended two years from the date of the Second Supplemental Order or August 3, 2007.
7. After repeated attempts to get a Right of Entry Agreement from the UPRR that will allow the contractor access to UPRR property to perform necessary work, a Right of Entry Agreement was issued and the contractor performed some of the dirt work required for the north approach to the bridge. When the contractor started on other work, it was stopped by UPRR personnel because the temporary Right of Entry Agreement was for the dirt work only. The County, on behalf of the Township, has been trying to obtain the proper permits from the UPRR to no avail for almost 1 ½ years. The contractor has left the job site to begin another construction project. If this occurs, the Contractor will charge fees for idle equipment, demobilization, and remobilization which will increase the cost of the project. The County is of the opinion that these costs should be borne by the UPRR.
8. The original Engineering Estimate for the construction of this project was calculated at \$1,250,000, but due to the length of time to actually bid the project from the time the order was written a substantial increase in construction costs occurred. The actual cost for the construction contract is \$1,396,388.35. Therefore, the County and Township is requesting the division of cost for this project be adjusted to reflect this increase.

9. The County requests that a hearing be scheduled to discuss the demobilization and mobilization costs and who should be responsible for the extra cost for these items, and an adjustment to the Order for the increased cost of the construction contract.

COUNTY OF JEFFERSON

By: Steve Schnake
Mr. Steve Schnake, P.E.
County Engineer

By: Terry O. Moore
Mr. Terry O. Moore
Mt. Vernon Township Highway
Commissioner

Date: 8-11-2006

Date: 8-11-2006

State of Illinois)

)
County of Jefferson)

Jefferson County, being first duly sworn on oath deposes and says that on the 11th Day of August, 2006, I have served the within Petition by placing true and correct copies thereof in envelopes properly stamped and addresses to the following:

Mr. Milton Sees
Director of Highways, IDOT
ATTN: JEFF HARPRING, ROOM 205
2300 South Dirksen Parkway
Springfield, IL 62764

Union Pacific Railroad Company
C T Corporation System
208 South LaSalle Street
Chicago, IL 60604

Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 N. Wacker Dr., Suite 1920
Chicago, IL 60606

Mr. Dave McKernan
Union Pacific Railroad Company
100 North Broadway #1500
St. Louis, MO 63102

Mr. Steve Schnake
Jefferson County Highway Engineer
750 Old Fairfield Road
Mount Vernon, IL 62864

Mr. Gary Duncan
Jefferson County State's Attorney
100 S. 10th St., Room 203
Mt. Vernon, IL 62864

Troy J. Parrish
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Mr. Gary Hahn
Rhutasel and Associates, Inc.
201 S. Locust Street
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Ms. Ellen J. Schanzle-Haskins
Chief Counsel-IDOT
ATTN: Mr. Thomas Benson
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

Mr. Roy P. Farwell
Attorney
Union Pacific Railroad Company
100 North Broadway, Suite 1500
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